IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dany Sylvain
Serial No. 10/824,039
Filed: 04/14/2004
For: **PERSONAL COMMUNICATION DEVICE HAVING MULTIPLE USER IDs**

Examiner: Sonia L. Gay
Art Unit: 2614

Mail Stop Appeal Brief – Patents
Commissioner for Patents
PO Box 1450
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Sir:

An **APPEAL BRIEF** is filed herewith. The Appellant encloses a payment in the amount of $540.00 as required by 37 C.F.R. § 41.20(b)(2). If any additional fees are required in association with this appeal brief, the Director is hereby authorized to charge them to Deposit Account 14-1315, and consider this a petition therefor.

APPEAL BRIEF

(1) REAL PARTY IN INTEREST

The real party in interest is the assignee of record, i.e., Nortel Networks Limited of 2351 Boulevard Alfred-Nobel, St. Laurent, Quebec Canada H4S 2A9, which is wholly owned by Nortel Networks Corporation, a Canadian corporation.

(2) RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences to the best of the Appellant's knowledge.

(3) STATUS OF CLAIMS

Claims 1-42 were rejected with the rejection made final on July 20, 2010 (hereinafter "Final Office Action").

Claims 1-42 are pending and are the subject of this appeal.

(4) STATUS OF AMENDMENTS

All amendments have been entered to the best of the Appellant's knowledge. More specifically, the Appellant filed an amendment on May 21, 2008, which the Appellant believes was subsequently entered. The Appellant also filed an amendment on July 22, 2009, which was subsequently entered as reflected in the Final Office Action mailed November 4, 2009. Thus, to the best of the Appellant's knowledge, all amendments have been entered.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

In the following summary, the Appellant has noted where in the Specification certain subject matter exists. The Appellant wishes to point out that these citations are for demonstrative purposes only and that the Specification may include additional discussion of the various elements, citations to which are not pointed out below. Thus, the noted citations are in no way intended to limit the scope of the pending claims.

Independent claim 1 recites a method comprising a personal communication device (see Figures 1, 5, and 6, element 14; see also Specification, paragraphs [0017] and [0025] – [0028]) comprising:

a) at least one packet communication interface (see Figures 5 and 6, element 32; see also Specification, paragraphs [0025] and [0027]);

b) a control system (see Figures 5 and 6, element 30; see also Specification, paragraphs [0025] – [0027]) associated with the at least one packet communication interface and adapted to:

i) provide a plurality of packet communication clients (see Figures 5 and 6, element 38; see also Specification, paragraphs [0021] and [0025] - [0027]), which are associated with unique IDs (see Specification, paragraphs [0019] and [0021]), each of the unique IDs uniquely associated with distinct service nodes (see Figures 1 and 2, elements 22(A) and 22(B); see also Specification, paragraph [0019]), wherein the unique IDs facilitate packet communications with the plurality of packet communication clients (see Figure 3; see also Specification, paragraph [0020]); and

ii) establishing packet communications with each of the plurality of packet communication clients via the at least one packet communication interface (see Specification, paragraph [0020]), the packet communications for each of the plurality of

packet communication clients associated with a corresponding one of the IDs (see Specification, paragraph [0020]).

Claim 4, which ultimately depends from claim 1, recites that the control system is further adapted to combine certain communication information associated with the packet communications for each of the plurality of packet communication clients into a common database (see Specification, paragraph [0021]) and make the communication information available to a user via a user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 5, which ultimately depends from claim 1, recites that the control system is further adapted to store certain communication information associated with the packet communications for each of the plurality of packet communication clients in separate databases (see Specification, paragraph [0021]) and make the communication information available to a user via the user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 6, which depends from claim 5, recites that the control system is further adapted to combine certain of the communication information associated with the packet communications for each of the plurality of packet communication clients into a common database (see Specification, paragraph [0021]) and make the communication information available to the user via the user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 9, which depends from claim 1, recites that a first of the plurality of packet communication clients is associated with a personal communication ID (see Specification, paragraphs [0020] and [0023]) and a second of the plurality of packet communication clients is associated with a business related communication ID (see Specification, paragraphs [0020] and [0023]).

Claim 11, which depends from claim 1, recites that the at least one packet communication interface facilitates wired communications (see Specification, paragraph [0025]).

Claim 12, which depends from claim 1, recites that the personal communication device further comprises a cellular communication interface (see Figure 6, element 32(N); see also Specification, paragraph [0027]) associated with the control system, the control system further adapted to provide a cellular communication client (see Figure 6, element 54; see also

Specification, paragraph [0027]) associated with at least one cellular directory number (see Specification, paragraphs [0023] and [0025]) and establish cellular communications via the cellular communication interface (see Specification, paragraph [0027]).

Claim 13, which depends from claim 1, recites that the personal communication device further comprises a non-packet communication interface (see Figure 6, element 32(N); see also Specification, paragraphs [0006], [0027], and [0028]) associated with the control system, the control system further adapted to provide at least one non-packet communication client (see Figure 6, element 54; see also Specification, paragraphs [0027] and [0028]) associated with a directory number (see Specification, paragraphs [0006], [0023], [0025], and [0028]) and establish non-packet communications via the non-packet communication interface (see Specification, paragraphs [0027] and [0028]).

Claim 14, which depends from claim 13, recites that the personal communication device further comprises a user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0025], [0026], and [0028]) associated with the control system wherein the user interface and the control system are adapted to cooperate to provide a common interface for each of the plurality of packet communication clients and the at least one non-packet communication client (see Specification, paragraphs [0005], [0021], [0023], [0026], and [0028]).

Claim 15, which depends from claim 14, recites that the control system is further adapted to combine certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database (see Specification, paragraphs [0021] and [0028]) and make the communication information available to a user via the user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 16, which depends from claim 14, recites that the control system is further adapted to store certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client in separate databases (see Specification, paragraphs [0021] and [0028]) and make the communication information available to the user via the user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 17, which depends from claim 16, recites that the control system is further adapted to combine certain of the communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database (see Specification, paragraphs [0021] and [0028]) and make the communication information available to the user via the user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 18, which ultimately depends from claim 1, recites that the communication information includes at least one of the group consisting of call logs, messages, contact information, and directory information (see Specification, paragraph [0021]).

Independent claim 22 recites a method for supporting a plurality of communication clients in a personal communication device (see Figures 1, 5, and 6, element 14; see also Specification, paragraphs [0017] and [0025] – [0028]) comprising:

a) providing a plurality of packet communication clients (see Figures 5 and 6, element 38; see also Specification, paragraphs [0021] and [0025] - [0027]), which are associated with unique IDs (see Specification, paragraphs [0019] and [0021]), each of the unique IDs uniquely associated with distinct service nodes (see Figures 1 and 2, elements 22(A) and 22(B); see also Specification, paragraph [0019]), wherein the unique IDs facilitate packet communications with the plurality of packet communication clients (see Figure 3; see also Specification, paragraph [0020]); and

b) establishing packet communications with each of the plurality of packet communication clients via at least one packet communication interface (see Specification, paragraph [0020]), the packet communications for each of the plurality of packet communication clients associated with a corresponding one of the IDs (see Specification, paragraph [0020]).

Claim 25, which ultimately depends from claim 22, recites that the method further comprises combining certain communication information associated with the packet communications for each of the plurality of packet communication clients into a common database (see Specification, paragraph [0021]) and making the communication information available to a user via the single interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 26, which ultimately depends from claim 22, recites that the method further comprises storing certain communication information associated with the packet communications for each of the plurality of packet communication clients in separate databases (see Specification, paragraph [0021]) and making the communication information available to a user via the single interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 27, which depends from claim 26, recites that the method further comprises combining certain of the communication information associated with the packet communications for each of the plurality of packet communication clients into a common database (see Specification, paragraph [0021]) and making the communication information available to the user via the single interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 30, which depends from claim 22, recites that a first of the plurality of packet communication clients is associated with a personal communication ID (see Specification, paragraphs [0020] and [0023]) and a second of the plurality of packet communication clients is associated with a business related communication ID (see Specification, paragraphs [0020] and [0023]).

Claim 32, which depends from claim 22, recites that the method further comprises providing at least one communication interface to facilitate wired communications (see Specification, paragraph [0025]).

Claim 33, which depends from claim 22, recites that the method further comprises providing a cellular communication client (see Figure 6, element 54; see also Specification, paragraph [0027]) associated with at least one cellular directory number (see Specification, paragraphs [0023] and [0025]) and establishing cellular communications with the cellular communication client (see Specification, paragraph [0027]).

Claim 34, which depends from claim 22, recites that the method further comprises providing at least one non-packet communication client (see Figure 6, element 54; see also Specification, paragraphs [0027] and [0028]) associated with a directory number (see Specification, paragraphs [0006], [0023], [0025], and [0028]) and establishing non-packet communications with the at least one non-packet communication client (see Specification, paragraphs [0027] and [0028]).

Claim 35, which depends from claim 34, recites that the method further comprises providing a common interface for each of the plurality of packet communication clients and the at least one non-packet communication client (see Specification, paragraphs [0005], [0021], [0023], [0026], and [0028]).

Claim 36, which depends from claim 35, recites that the method further comprises combining certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database (see Specification, paragraphs [0021] and [0028]) and making the communication information available to a user via a user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 37, which depends from claim 35, recites that the method further comprises storing certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client in separate databases (see Specification, paragraphs [0021] and [0028]) and making the communication information available to a user via a user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 38, which depends from claim 37, recites that the method further comprises combining certain of the communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database (see Specification, paragraphs [0021] and [0028]) and making the communication information available to the user via the user interface (see Figures 5 and 6, element 34; see also Specification, paragraphs [0021], [0025], [0026], and [0028]).

Claim 39, which depends from claim 38, recites that the communication information includes at least one of the group consisting of call logs, messages, contact information, and directory information (see Specification, paragraph [0021]).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. Whether claims 1-3, 7, 8, 10, 19-24, 28, 29, 31, and 40-42 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,454,206 to *Phillips et al.* (hereinafter "*Phillips*") in view of U.S. Patent No. 6,801,528 to *Nassar* (hereinafter "*Nassar*").

B. Whether claims 4-6, 11-18, 25-27, and 32-39 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar* and in further view of U.S. Patent Application Publication No. 2002/0128036 to *Yach et al.* (hereinafter "*Yach*").

C. Whether claims 9 and 30 were properly rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar* and in further view of U.S. Patent Application Publication No. 2004/0122934 to *Westman et al.* (hereinafter "*Westman*").

(7) ARGUMENT

A. Introduction

The Patent Office has not established a *prima facie* case of obviousness of the claimed invention. More specifically, the Patent Office has not shown where the cited references, either alone or in combination, disclose or suggest providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes. As such, the Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims for these reasons.

B. Legal Standards for Establishing Obviousness

Section 103(a) of the Patent Act provides the statutory basis for an obviousness rejection and reads as follows:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Courts have interpreted 35 U.S.C. § 103(a) as a question of law based on underlying facts. As the Federal Circuit stated:

> Obviousness is ultimately a determination of law based on underlying determinations of fact. These underlying factual determinations include: (1) the scope and content of the prior art; (2) the level of ordinary skill in the art; (3) the

differences between the claimed invention and the prior art; and (4) the extent of any proffered objective indicia of nonobviousness.[1]

Once the scope of the prior art is ascertained, the content of the prior art must be properly combined. "Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demand known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit.[2] ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness")."[3]

Some elements may be inherent within the reference. "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill.'"[4] "The mere fact that a certain thing may result from a given set of circumstances is not sufficient."[5] Thus, the possibility that an element may be derived from the reference is insufficient to establish that said element is inherent to the reference.

Whether an element is implicitly or explicitly taught by a reference or combination of references is open to interpretation. While the Patent Office is entitled to give claim terms their broadest reasonable interpretation, this interpretation is limited by a number of factors. First, the interpretation must be consistent with the specification.[6] Second, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.[7] Finally, the interpretation must be reasonable.[8] This means that the words of

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[1] *Monarch Knitting Mach. Corp. v. Sulzer Morat GmBH*, 45 U.S.P.Q.2d (BNA) 1977, 1981 (Fed. Cir. 1998) (internal citations omitted).
[2] See *In re Kahn*, 441 F. 3d 977, 988 (CA Fed. 2006)
[3] *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385 (2007).
[4] *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999) (quoting *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268 (Fed. Cir. 1991)).
[5] *Ibid.* (citation and quotation omitted).
[6] *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000); M.P.E.P. § 2111.
[7] *In re Cortright*, 165 F.3d 1353, 1359, (Fed. Cir. 1999); M.P.E.P. § 2111.
[8] *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1369 (Fed. Cir. 2004); M.P.E.P. § 2111.01.

the claim must be given their plain meaning unless Appellant has provided a clear definition in the specification.[9]

If a claim element is missing after the combination is made, then the combination does not render obvious the claimed invention, and the claims are allowable. As stated by the Federal Circuit, "[if] the PTO fails to meet this burden, then the Appellant is entitled to the patent."[10]

C. Claims 1-3, 7, 8, 10, 19-24, 28, 29, 31, and 40-42 are Patentable over *Phillips* and *Nassar*

Claims 1-3, 7, 8, 10, 19-24, 28, 29, 31, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar*. The Appellant respectfully traverses the rejection.

1. Neither *Phillips* Nor *Nassar*, Either Alone Or In Combination, Disclose Or Suggest Providing A Plurality Of Communication Clients Associated With Unique Ids, Where Each Of The Unique Ids Are Uniquely Associated With Distinct Service Nodes

Prior to addressing the rejection, the Appellant provides herewith a brief summary of one embodiment of the present invention, where a personal communication device (PCD) that supports multiple packet-based communication identifications (IDs) is provided. Accordingly, communications using any of the packet-based communication IDs associated with the PCD can be established with the PCD. In an embodiment, the PCD may also be capable of communicating using cellular techniques. When the PCD is capable of communicating using cellular techniques, the PCD may have one or more cellular-based IDs, which may be managed in cooperation with the packet-based communication IDs used for packet-based communications. In an embodiment, each of the IDs is uniquely associated with distinct service nodes. None of the cited references disclose or suggest this feature. Moreover, the Patent Office has agreed that *Phillips* does not disclose this feature.[11]

Nassar generally relates to network address translation (NAT) for packet routing.[12] A NAT rule translates an address identifying a subscriber and associated with a first service provider into an address identifying a subscriber that is associated with a second service provider

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[9] *In re Zletz*, 893 F.2d 319, 321 (Fed. Cir. 1989).
[10] *In re Glaug*, 283 F.3d 1335, 1338 (Fed. Cir. 2002).
[11] *See* Final Office Action mailed July 20, 2010, page 3.
[12] *See Nassar*, col. 1, ll. 10-11.

for a particular application.[13] According to *Nassar*, a combination of a subscriber's address and application identifier, which identifies a desired application, is used by the NAT rule to translate the subscriber's address into an address associated with a service provider that has been contracted to support the particular application associated with the application identifier.[14] Thus, a new address is assigned based on an address associated with a service provider that supports a particular application. However, no mention is made regarding associating the addresses with distinct service nodes.

Now turning to the rejection, when rejecting a claim under 35 U.S.C. § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.[15] The gap between the prior art and the claimed invention may not be "so great as to render the [claim] non-obvious to one reasonably skilled in the art."[16] Here, the Patent Office has failed to show where each and every limitation of the claims is taught or suggested by the prior art. Further, for those limitations of the claims that are not taught or suggested by the prior art, the Patent Office has failed to explain why those limitations would have been obvious to one of ordinary skill in the art.

More specifically, claim 1 recites a personal communication device comprising, among other features, a control system adapted to provide a plurality of packet communication clients associated with unique IDs, where "each of the unique IDs [are] uniquely associated with distinct service nodes." Claim 22 includes similar features. The Appellant submits that neither reference, either alone or in combination, discloses or suggests providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes. As correctly pointed out by the Patent Office, *Phillips* does not disclose this feature.[17]

Similarly, *Nassar* does not disclose or suggest this feature. Nonetheless, the Patent Office maintains the rejection by asserting that *Nassar* discloses this feature in Figures 1, 6, 7A, and 7B, elements 120, 125, 180, 190, 601b and 605; and in the Abstract, column 2, lines 11-41, column 3, lines 44 – column 4, line 7 column 4, line 60 – column 5, line 10, column 6, line 13 –

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[13] *See Nassar*, col. 2, ll. 10-15.
[14] *See Nassar*, col. 2, ll. 27-34 and col. 6, ll. 61-62.
[15] *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007).
[16] *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q. (BNA) 257, 261 (1976).
[17] *See* Final Office Action mailed July 20, 2010, page 3.

column 7, line 33, and in column 7, line 47 – column 8, line 47.[18] The Appellant respectfully disagrees. As mentioned above, *Nassar* generally relates to NAT for packet routing. With regards to the cited portions, *Nassar* discloses an IP packet 500a having an IP address 601a associated with a IP Host A-1 and an application identifier 603.[19] *Nassar* also discloses translating the IP address 601a to a new IP address 601b associated with a Host B.[20] According to *Nassar*, a NAT matching rule 610 translates the IP address 601a to the IP address 601b that is assigned to a service provider that provides the application identified by the application identifier.[21] Thus, at the very most, *Nassar* discloses providing a new address that is assigned to a service provider that provides a requested service. However, the Appellant submits that a service provider is not equivalent to a service node. More specifically, a service node is a switching point that comprises a point of end user access to a network and network services. In contrast, a service provider is an organization that provides a communications service, a storage service, a processing service, or any combination of the three. *Nassar* discloses a service provider that is entirely consistent with this definition. In particular, *Nassar* gives as an example a scenario where a medical professional needs to register with multiple service providers for various services, such as web and email applications in one instance, a VPN or encryption application in another instance, and real-time communication applications in another instance.[22] However, no mention is made regarding distinct service nodes nor providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes.

The Patent Office responds to this line of reasoning by indicating that the language of each of the unique IDs being uniquely associated with distinct service nodes is being interpreted "to suggest that there can be an indirect relationship between the 'service nodes' and the 'unique IDs.'"[23] The Appellant submits that the Patent Office is not interpreting the claims in a manner that is consistent with the Specification. According to Chapter 2111 of the M.P.E.P., "the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.'" Chapter 2111 goes on to state that the PTO "determines the scope of claims in

[18] *See* Final Office Action mailed July 20, 2010, page 3.
[19] *See Nassar*, col. 7, ll. 43-52.
[20] *See Nassar*, col. 7, ll. 43-45.
[21] *See Nassar*, col. 7, ll. 43-47.
[22] *See Nassar*, col. 1, l. 65 – col. 2, l. 2.
[23] *See* Final Office Action mailed July 20, 2010, page 10.

patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction 'in light of the specification as it would be interpreted by one of ordinary skill in the art'"[24] and that "the rules of the PTO require that application claims must "conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description".[25]

The Appellant submits that the interpretation of the feature a plurality of packet communication clients associated with unique IDs, where "each of the unique IDs [are] uniquely associated with distinct service nodes" as "an indirect relationship between the 'service nodes' and the 'unique IDs" as it relates to the claims is completely inconsistent with the Specification. In particular, paragraph [0019] of the originally filed application states, in part:

> In operation, each packet-based communication ID must be registered with a service node 22 in association with the PCD 14. As illustrated, different personal communication IDs for a given PCD 14 may be registered with different service nodes 22. In this example, the packet communication ID USER_A@HOME.NET is registered with service node 22(A) and the packet-based communication IDS USER_A@BUSINESS.COM is registered with service node 22(B). Once registered, session requests from remote communication devices intended for the PCD 14 will be routed to the corresponding service node 22, which will function to assist in the establishment of a session with the PCD 14 using the packet communication ID.

Thus, contrary to what is asserted by the Patent Office, the Specification indicates that there is a direct relationship between the unique ID and distinct service nodes. Specifically, unique communication IDs are directly registered with the distinct service nodes 22(A) and 22(B). In contrast, Figure 1 of *Nassar* discloses that a subscriber 100 can connect to additional service providers 180 and 190 via additional routers 120 and 125 during a packet session.[26] As detailed above, a new address associated with the additional service provider is assigned based on a particular application. The routers 120 and 125 are devices that forward packets based on information in a header of the packet.[27] According to *Nassar*, forwarding a packet requires the router to choose the address and relevant interface of the next-hop router or the destination

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[24] *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).
[25] 37 CFR 1.75(d)(1).
[26] *See Nassar*, Figure 1, and col. 5, ll. 5-9.
[27] *See Nassar*, col. 4, ll. 11-14.

host.[28] Again, according to *Nassar*, forwarding the packet depends upon a routing table, where the routing table dynamically reflects a current topology of an Internet system.[29] However, *Nassar* does not disclose that a unique ID is associated with a router, or, to interpret the claims in light of the Specification, *Nassar* does not disclose that a unique ID is registered with a router. As such, claims 1 and 22 are patentable over the cited references. Likewise, claims 2, 3, 7, 8, 10, 19-21, 23, 24, 28, 29, 31, and 40-42, which depend from either claim 1 or claim 22, are patentable for at least the same reasons along with the novel features recited therein.

D. Claims 4-6, 11-18, 25-27, and 32-39 are Patentable over *Phillips*, *Nassar*, and *Yach*

Claims 4-6, 11-18, 25-27, and 32-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar* and in further view of *Yach*. The Appellant respectfully traverses the rejection. As discussed above, claims 1 and 22, the base claims from which claims 4-6, 11-18, 25-27, and 32-39, variously depend, are patentable over *Phillips* and *Nassar*. In addition, *Yach* does not overcome the problems of both *Phillips* and *Nassar*. Accordingly, claims 4-6, 11-18, 25-27, and 32-39 are patentable over the cited references.

E. Claims 9 and 30 are Patentable over *Phillips*, *Nassar*, and *Westman*

Claims 9 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar* and in further view of *Westman*. The Appellant respectfully traverses the rejection. As detailed above, claims 1 and 22, the base claims from which claims 9 and 30 respectively depend, are patentable over *Phillips* and *Nassar*. *Westman* does not cure the deficiencies of *Phillips* and *Nassar*. As such, claims 9 and 30 are patentable over the cited references.

[28] *See Nassar*, col. 4, ll. 19-21.
[29] *See Nassar*, col. 4, ll. 21-25.

F. Conclusion

As set forth above, the cited references do not disclose or suggest providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes. As such, the Appellant requests that the Board reverse the Examiner and instruct the Examiner to allow the claims.

Respectfully submitted,

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(8) CLAIMS APPENDIX

1. A personal communication device comprising:

a) at least one packet communication interface;

b) a control system associated with the at least one packet communication interface and adapted to:

i) provide a plurality of packet communication clients, which are associated with unique IDs, each of the unique IDs uniquely associated with distinct service nodes, wherein the unique IDs facilitate packet communications with the plurality of packet communication clients; and

ii) establishing packet communications with each of the plurality of packet communication clients via the at least one packet communication interface, the packet communications for each of the plurality of packet communication clients associated with a corresponding one of the IDs.

2. The personal communication device of claim 1 further comprising a user interface associated with the control system wherein the user interface and the control system are adapted to cooperate to provide a single interface for each of the plurality of packet communication clients.

3. The personal communication device of claim 2 wherein a user selects certain of the plurality of packet communication clients that are active at any given time.

4. The personal communication device of claim 2 wherein the control system is further adapted to combine certain communication information associated with the packet communications for each of the plurality of packet communication clients into a common database and make the communication information available to a user via the user interface.

5. The personal communication device of claim 2 wherein the control system is further adapted to store certain communication information associated with the packet communications for each of the plurality of packet communication clients in separate databases and make the communication information available to a user via the user interface.

6. The personal communication device of claim 5 wherein the control system is further adapted to combine certain of the communication information associated with the packet communications for each of the plurality of packet communication clients into a common database and make the communication information available to the user via the user interface.

7. The personal communication device of claim 1 wherein the control system is further adapted to register each of the plurality of packet communication clients with at least one service node to enable communications.

8. The personal communication device of claim 7 wherein the control system is further adapted to register certain of the plurality of packet communication clients with different service nodes.

9. The personal communication device of claim 1 wherein a first of the plurality of packet communication clients is associated with a personal communication ID and a second of the plurality of packet communication clients is associated with a business related communication ID.

10. The personal communication device of claim 1 wherein the at least one packet communication interface facilitates wireless communications.

11. The personal communication device of claim 1 wherein the at least one packet communication interface facilitates wired communications.

12. The personal communication device of claim 1 further comprising a cellular communication interface associated with the control system, the control system further adapted to provide a cellular communication client associated with at least one cellular directory number and establish cellular communications via the cellular communication interface.

13. The personal communication device of claim 1 further comprising a non-packet communication interface associated with the control system, the control system further adapted

to provide at least one non-packet communication client associated with a directory number and establish non-packet communications via the non-packet communication interface.

14. The personal communication device of claim 13 further comprising a user interface associated with the control system wherein the user interface and the control system are adapted to cooperate to provide a common interface for each of the plurality of packet communication clients and the at least one non-packet communication client.

15. The personal communication device of claim 14 wherein the control system is further adapted to combine certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database and make the communication information available to a user via the user interface.

16. The personal communication device of claim 14 wherein the control system is further adapted to store certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client in separate databases and make the communication information available to the user via the user interface.

17. The personal communication device of claim 16 wherein the control system is further adapted to combine certain of the communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database and make the communication information available to the user via the user interface.

18. The personal communication device of claim 17 wherein the communication information includes at least one of the group consisting of call logs, messages, contact information, and directory information.

19. The personal communication device of claim 1 wherein the unique IDs are Session Initiation Protocol IDs.

20. The personal communication device of claim 1 wherein different ones of the packet communications are established through different access points at different locations.

21. The personal communication device of claim 1 wherein each of the plurality of packet communication clients may initiate and terminate communication sessions.

22. A method for supporting a plurality of communication clients in a personal communication device comprising:

a) providing a plurality of packet communication clients, which are associated with unique IDs, each of the unique IDs uniquely associated with distinct service nodes, wherein the unique IDs facilitate packet communications with the plurality of packet communication clients; and

b) establishing packet communications with each of the plurality of packet communication clients via at least one packet communication interface, the packet communications for each of the plurality of packet communication clients associated with a corresponding one of the IDs.

23. The method of claim 22 further comprising providing a single interface for each of the plurality of packet communication clients.

24. The method of claim 23 wherein a user can select which combination of packet communication clients is active at any given time.

25. The method of claim 23 further comprising combining certain communication information associated with the packet communications for each of the plurality of packet communication clients into a common database and making the communication information available to a user via the single interface.

26. The method of claim 23 further comprising storing certain communication information associated with the packet communications for each of the plurality of packet communication clients in separate databases and making the communication information available to a user via the single interface.

27. The method of claim 26 further comprising combining certain of the communication information associated with the packet communications for each of the plurality of packet communication clients into a common database and making the communication information available to the user via the single interface.

28. The method of claim 22 further comprising registering each of the plurality of packet communication clients with at least one service node to enable communications.

29. The method of claim 28 further comprising registering certain of the plurality of packet communication clients with different service nodes.

30. The method of claim 22 wherein a first of the plurality of packet communication clients is associated with a personal communication ID and a second of the plurality of packet communication clients is associated with a business related communication ID.

31. The method of claim 22 further comprising providing at least one communication interface to facilitate wireless communications.

32. The method of claim 22 further comprising providing at least one communication interface to facilitate wired communications.

33. The method of claim 22 further comprising providing a cellular communication client associated with at least one cellular directory number and establishing cellular communications with the cellular communication client.

34. The method of claim 22 further comprising providing at least one non-packet communication client associated with a directory number and establishing non-packet communications with the at least one non-packet communication client.

35. The method of claim 34 further comprising providing a common interface for each of the plurality of packet communication clients and the at least one non-packet communication client.

36. The method of claim 35 further comprising combining certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database and making the communication information available to a user via a user interface.

37. The method of claim 35 further comprising storing certain communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client in separate databases and making the communication information available to a user via a user interface.

38. The method of claim 37 further comprising combining certain of the communication information associated with the packet and non-packet communications for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database and making the communication information available to the user via the user interface.

39. The method of claim 38 wherein the communication information includes at least one of the group consisting of call logs, messages, contact information, and directory information.

40. The method of claim 22 wherein the unique IDs are Session Initiation Protocol IDs.

41. The method of claim 22 wherein different ones of the packet communications are established through different access points at different locations.

42. The method of claim 22 wherein each of the plurality of packet communication clients may initiate and terminate communication sessions.

(9) EVIDENCE APPENDIX

The Appellant relies on no evidence, thus this appendix is not applicable.

(10) RELATED PROCEEDINGS APPENDIX

As there are no related proceedings, this appendix is not applicable.